

**FIDUCIARY FEES**  
**EFFECTIVE JULY 1, 2004**  
**FAIRFAX COUNTY CIRCUIT COURT**  
**PROBATE SECTION**  
**4110 CHAIN BRIDGE ROAD ROOM 328**  
**FAIRFAX, VIRGINIA 22030**  
**703-246-4153**

**GUARDIANSHIP/CONSERVATOR PETITIONS:**

All Guardianship and/or Conservator petitions are to be filed in *Chancery* at the Fiduciary Reception Desk – Room 328.

**FILING FEE:** \$20.00 plus Sheriff service fee, if applicable.

**DOCUMENTS REQUIRED FOR FILING:**

- ☐ Original Petition and two copies of the Petition.
- ☐ Order appointing a Guardian Ad Litem.
- ☐ Notice of Hearing pursuant to §37.1-134.10.

**PROBATE AN ESTATE (By appointment only):**

**TESTATE (WITH A WILL)**

**INTESTATE (WITHOUT A WILL)**

**FILING FEES:** Based on estate value. Fees to be determined at appointment.

**REQUIREMENTS FOR FILING:**

- ☐ A Virginia resident to accompany a nonresident prospective executor or administrator.
- ☐ The original will (for testate estates).
- ☐ A certified copy of the death certificate.
- ☐ Approximate dollar value of any solely-held personal assets.
- ☐ Approximate fair market value of real estate in Virginia deeded solely to the deceased or the value of the percentage owned by the deceased when the real estate is deeded as tenants in common.
- ☐ Names, ages, and addresses of heirs at law. These are individuals who are legally entitled to receive an estate when there is no will. The List of Heirs is required in both testate and intestate situations. See Virginia Code Section §64.1-1.
- ☐ A check to pay fees calculated during the probate appointment. Fees are based upon the estate value. The Circuit Court accepts personal checks for payment of fees. However, the Court does not accept out of state checks. The checks must have preprinted information of name, address, and phone number. In addition if an Attorney writes a check, the Virginia Bar number needs to be placed on the check.
- ☐ Bond – All fiduciaries are required to be bonded. State statutes govern whether the bond is with or without surety. The probate clerk will set the appropriate bond at the time fiduciary qualifies. If you believe a surety bond is required, please have a name and phone number of a bonding agent/company at the time of the appointment.

**FILING FEES/SHERIFF FEES:**

All filing fees & sheriff service fees are made payable to the Clerk of the Circuit Court. Please note that Sheriff's fees for Norfolk and Virginia Beach are paid by separate check payable to the "HIGH CONSTABLE" of the specific jurisdiction. Attorneys or Petitioners are responsible for submitting the correct number of copies of pleadings for service.

**SERVICE BY SHERIFF:**

- ❑ \$12.00 for each individual being served. Submit an original for the court and two copies for each individual being served. Indicate in your request whether you wish service to be by sheriff or special process server.

**SUBPOENA DUCES TECUM:**

- ❑ Clerk's fee of \$5.00 for the subpoena duces tecum and \$12.00 service fee, if being served by the sheriff for each person being served, payable to the Clerk of the Circuit Court.

**ATTORNEY ISSUED SUBPOENAS:**

- ❑ A copy of the subpoena is required to be filed with the Clerk in accordance with §8.01-407. Fees are required for the subpoena's being served through the Sheriff. There is no longer a clerk's fee for production of documents on Attorney Issued Subpoenas. Fees are payable to the Clerk of the Circuit Court. If the subpoena is served by a special process server, a copy of the attorney issued subpoena must be attached to the affidavit of service.

| TAXES & FEES   | RECORDATION COSTS  | NON RECORDATION COSTS | REVENUE CODE   |
|--|--|-----------------------|--|
| State Probate Tax §58.1-1712   | \$1.00 per \$1,000 of Estate Value   |                       | 037  |
| Real Estate Transfer §58.1-3314  | \$1.00 for all parcels in FX County  |                       | 212  |
| Real Estate Transfer §58.1-3314  | \$1.00 for all parcels in FX City  |                       | 222  |
| Technology Trust Fund §17.1-279  | \$5.00   |                       | 106  |
| Law Library §42.1-70   |  | \$ 4.00               | 219  |
| Legal Aid §17.1-278<br><i>\$1.00 of Legal Aid Fee will be applied to the Indigent Assistance Fee</i>                                     |  | \$ 5.00               | 123-\$4.00<br>147-\$1.00   |
| Clerk's Fee Recording §17.1-275A(2)<br><i>\$1.50 of Clerk's Fee collected will be applied to the Virginia State Library revenue code</i> | \$16.00 for up to 10 pages<br>\$30.00 for 11 to 30 pages<br>\$50.00 for 31 or more pages |                       | 302 (\$14.50) 145 (\$1.50)<br>302 (\$28.50) 145 (\$1.50)<br>302 (\$48.50) 145 (\$1.50) |
| Clerk's Fee Non Recording §17.1-275A(4)  |  | \$10.00               | 302  |
| Clerk's Fee Non Recording §17.1-275A(6)  |  | \$ 3.00               | 302  |
| Clerk's Fee Non Recording §17.1-275A(9)  |  | \$ 2.00               | 302  |
| Clerk's Fee Non Recording §17.1-275A(18)   |  | \$10.00               | 302  |
| Clerk's Fee Non Recording §17.1-275A(39)   |  | \$ 2.00               | 302  |

| DOCUMENT/PROCESS  | FEE                                      | CODE REFERENCE   | REVENUE CODE      |  |
|---|--|--|-------------------|--|
| Administration of Out of State Oath   | \$10.00                                  | §17.1-275A(4)  | 302               |  |
| Affidavit of Notice   | \$16.00                                  | §17.1-275A(2)  | 302 & 145         | Recording up to 10 pages.<br>Additional pages see Clerk's<br>Recording Fees above.                             |
| Affidavit Preparation   | \$ 3.00                                  | §17.1-275A(6)  | 302               |  |
| Bond Preparation  | \$ 3.00                                  | §17.1-275A(6)  | 302               | For any additional, increase, decrease<br>or replacement of bond   |
| Certificate of Qualification<br>Additional and Updated Certificates                         | \$ 2.00                                  | §17.1-275A(9)  | 302               | 1 free certificate issued at time of<br>appointment.   |
| Disclaimers for Exempt Property or<br>Family Allowance Recording                            | \$16.00                                  | §17.1-275A(2)  | 302 & 145         | Recording up to 10 pages.<br>Additional pages see Clerk's<br>Recording Fees above.                             |
| Guardianship/Conservator<br>Recording of Appointment, Restore,<br>Modify or Terminate Order | \$21.00                                  | §17.1-275A(2)<br>§17.1-279                                       | 302 & 145<br>106  | Recording up to 10 pages.<br>Additional pages see Clerk's<br>Recording Fees above                              |
| List of Heirs   | \$16.00                                  | §17.1-275A(2)  | 302 & 145         | Recording up to 10 pages.<br>Additional pages see Clerk's<br>Recording Fees above                              |
| Qualification Fee   | \$00.00<br>\$20.00<br>\$25.00<br>\$30.00 | §17.1-275A(3)<br>§17.1-275A(3)<br>§17.1-275A(3)<br>§17.1-275A(3) | 302               | Estates \$5,000 or less<br>\$ 5,001.00 - \$ 50,000.00<br>\$ 50,001.00 - \$100,000.00<br>\$100,001.00 and above |
| Real Estate Affidavit   | \$16.00                                  | §17.1-275A(2)  | 302 & 145         | Recording up to 10 pages.<br>Additional pages see Clerk's<br>Recording Fees above.                             |
| Show Cause Publication Orders   | \$19.00                                  | §17.1-275A(18)<br>§42.1-70<br>§17.1-278                          | 302<br>219<br>123 |  |
| Will/Codicil Recording Fee  | \$16.00                                  | §17.1-275A(2)  | 302               | Recording up to 10 pages.<br>Additional pages see Clerk's<br>Recording Fees above.                             |
| Wills for Safekeeping   | \$ 2.00                                  | §17.1-275A(39)   | 302               |  |

**OTHER CASE TYPES RELATING TO  
FIDUCIARY ISSUES TO BE  
FILED IN FIDUCIARY DEPARMENT**

| <b>Type of Petition</b>   | <b>Fees Assessed</b>  | <b>Code Reference</b>   | <b>Revenue Code</b>                 | <b>Case Type</b>  |
|---|---|---|-------------------------------------|---|
| <b>Appeal of Clerks Order</b>   | Clerk's Fee \$50.00<br>Law Library \$ 4.00<br>Legal Aid Fee\$ 5.00<br>TTF \$ 5.00<br>Writ Tax \$ <u>5.00</u><br><b>Total \$69.00</b>  | §17.1-275 A(43)<br>§42.1-70<br>§17.1-278<br>§17.1-279<br>§58.1-1727 | 303<br>219<br>123/147<br>106<br>048 | <b>Fiduciary</b>  |
| <b>Equity Issues:</b> <ul style="list-style-type: none"> <li>• <b>Bill of Conformity</b></li> <li>• <b>Bill in Equity</b></li> <li>• <b>Custodial Account</b></li> <li>• <b>Declaratory Judgment</b></li> <li>• <b>Declare Death</b></li> <li>• <b>Establish/Impeach Will</b></li> <li>• <b>Reformation of Trust</b></li> <li>• <b>Removal of Personal Rep/Trustee</b></li> <li>• <b>Other Misc matters Involving Fid issues</b></li> </ul> | Clerk's Fee \$50.00<br>Law Library \$ 4.00<br>Legal Aid Fee \$ 5.00<br>TTF \$ 5.00<br>Writ Tax \$ <u>5.00</u><br><b>Total \$69.00</b> | §17.1-275 A(43)<br>§42.1-70<br>§17.1-278<br>§17.1-279<br>§58.1-1727 | 303<br>219<br>123/147<br>106<br>048 | <b>Chancery</b><br><br><b>OR</b><br><br><b>Fiduciary –</b><br>for matters<br>that have an<br>Estate<br>currently open<br>or pending |
| <b>Guardian/Conservator Appointment Petition §§37.1-134.7 &amp; 37.1-134.17</b>   | Clerk's Fee \$10.00<br>TTF \$ 5.00<br>Writ Tax \$ <u>5.00</u><br><b>Total \$20.00</b>   | §17.1-275 A(43)<br>§17.1-279<br>§58.1-1727                          | 302<br>106<br>048                   | <b>Chancery</b>   |
| <b>Guardian/Conservator Restore, Modify Terminate Petition §§37.1-134.16 &amp; 37.1-134.18</b>  | Clerk's Fee \$10.00<br>TTF \$ <u>5.00</u><br><b>Total \$15.00</b>   | §17.1-275 A(43)<br>§17.1-279  | 302<br>106                          | <b>Chancery</b>   |
| <b>Petition to Expend from Minors Estate §31-8.1</b>  | Clerk's Fee \$10.00<br>Law Library \$ 4.00<br>Legal Aid Fee \$ <u>5.00</u><br><b>Total \$19.00</b>                                    | §17.1-275 A(43)<br>§42.1-70<br>§17.1-278                            | 303<br>219<br>123/147               | <b>Fiduciary</b>  |